

THOMAS N. STEWART, III - #88128
ATTORNEY AT LAW
369 BLUE OAK LANE, 2nd FLOOR
CLAYTON, CA 94517
TELEPHONE (925) 672-8452
TELEFAX (925) 673-1729
Attorneys for Scott Johnson

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,

Plaintiff,

Case No. 2:05-CV-0549 LKK GGH

STIPULATION OF DISMISSAL; ORDER

v.

MUELLER PROPERTIES,

Defendant.

_____ /

The parties hereto stipulate as follows:

The parties have reached a full and final settlement of all issues in this action. A Settlement Agreement between the parties has been fully executed.

Some parts of the Settlement Agreement are to be performed in the future. The parties shall comply with their Settlement Agreement, a copy of which is incorporated by reference as if fully set forth. The parties request the Court to retain jurisdiction for one year(s) from the date hereof in order to enforce the terms of the Settlement Agreement under the authority of *Kokkonen v. Guardian Life Insurance Co. Of America*, 511 U.S. 375, 381-82 (1994).

Although the parties are hereby dismissing this action with prejudice, they agree that the Court will retain jurisdiction over this action and the parties hereto in order to be able to enforce the terms of the Settlement Agreement.

IT IS HEREBY STIPULATED by and between the parties to this action through their designated counsel that this action be and hereby is dismissed with prejudice pursuant to FRCP 41(a)(2), and the Court retains jurisdiction to enforce the terms of the Settlement Agreement for one year(s) after the date hereof.

Date: May 26, 2005

Date: May 26, 2005

/s/James E. Donahue
James E. Donahue,
Attorney for Defendant

/s/Thomas N. Stewart, III
Thomas N. Stewart, III,
Attorney for Plaintiff

IT IS ORDERED that:

1. The stipulation above is adopted by the court; and
2. The Status Conference set for May 31, 2005, is VACATED.

Date: May 26, 2005.

/s/Lawrence K. Karlton
U.S. District Judge